

**RESPONSE UNDER 37 C.F.R. § 1.116  
EXPEDITED PROCEDURE  
GROUP ART UNIT 2123**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Application No.: 10/053,521	§	Examiner: Pierre Louis, Andre
Filed: January 18, 2002	§	Group/Art Unit: 2123
Inventor(s):	§	Atty. Dkt. No: 5150-42901
Jeffrey Kodosky and Jack	§	
MacCrisken	§	
	§	
Title: SIMULATION,	§	
MEASUREMENT	§	
AND/OR CONTROL	§	
SYSTEM AND METHOD	§	
WITH COORDINATED	§	
TIMING	§	
	§	

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**REQUEST FOR PRE-APPEAL BRIEF REVIEW**

Dear Sir or Madam:

Appellant requests review of the rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reason(s) stated below.

Appellant is in receipt of the Office Action mailed February 22, 2010. Claims 2-7 and 9-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Blake et al., U.S. Patent No. 5,574,854 (hereinafter "Blake"), in view of Bilger, U.S. Patent No. 6,912,429 (hereinafter "Bilger"), and further in view of Elliott et al., U.S. Patent Application Pub. No. 2002/0064149 (hereinafter "Elliott"). Applicant respectfully traverses this rejection.

The independent claim 2 recites:

2. (Previously Presented) A system for performing a simulation, the system comprising:
  - one or more processors;
  - memory storing program instructions; and
  - an input device;

wherein the program instructions are executable by the one or more processors to:

- turn a simulation mode either on or off in response to user input;
- receive a request for input from a measurement/control program;
- determine whether the simulation mode is turned on or off; and
- selectively route the request for input to either a simulation program or the input device, depending on whether the simulation mode is turned on or off, wherein selectively routing the request for input comprises:

- routing the request for input to the simulation program if the simulation mode is turned on;

- routing the request for input to the input device if the simulation mode is turned off. (*Emphasis added*)

Blake teaches that requests are always routed to a simulation program. Elliott teaches that requests are always routed to a device. The art does not teach the concept of selectively routing the request for input to either a simulation program or the input device, depending on whether the simulation mode is turned on or off. The Examiner cites Bilger to teach the simulation mode. Bilger's simulation mode relates to a home automation system and is used to determine whether automated or manual control of objects (e.g., rooms in a house) is performed. Applicant respectfully submits that Bilger, taken either singly or in combination with the other cited references, does not teach that the simulation mode is used to determine which of the two destinations (the simulation program or the input device) the request for input should be routed to. Applicant also respectfully submits that the combination of all three references does not teach or suggest this feature. Applicant thus respectfully submits that claim 2 is patentably distinct over the cited art.

Independent claims 17 and 18 recite similar subject matter as claim 2, and are thus also believed to be patentably distinct over the cited art.

In light of the foregoing amendments and remarks, Appellant submits the application is now in condition for allowance, and an early notice to that effect is requested. If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Appellant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-42901/JCH.

Also enclosed herewith are the following items:

☒ Notice of Appeal

Respectfully submitted,

/Jeffrey C. Hood/

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Attorney for Applicants

Date: 2010-05-24 JCH/JLB